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10/657,364

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EXAMINER

WOLDEMARIAM, AKILILU K

ART UNIT

PAPER NUMBER

2624

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,364	<b>Applicant(s)</b> USUDA, HIROSHI	
	<b>Examiner</b> AKLILU k. WOLDEMARIAM	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/27/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

**Response to Amendment**

1. *Applicant's amendment filed on 07/10/2008 has been entered. Claims 1 and 5 have been amended. Claims 1-16 are still pending with claims 1, 5, 9, 11 and 13-15 being an independent.*

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. *Claims 1 and 5 rejected under 35 U.S.C. 102(b) as being anticipated by Kikuchi et al., "Kikuchi" (US Patent number 5, 552, 901).*

Regarding claim 1, *Kikuchi discloses a terminal device registrable on a network (see item 31b, fig.7 and item 63, fig.17, terminal control device), comprising:*

*an input unit operable to input from a printed medium a first graphic code corresponding to first information (see column 10, lines 27-39, the commanded data conversion unit 11 reads out the document data accumulated in the document data storage 30, by using the data address and data size registered in the respective areas 29c and 29d of the print document table 29. In the case where the text data format is registered in the data format area 29b, bitmap information corresponding to each character code or graphic code is extracted from the font memory 17 and is expanded at the predetermined position of the image memory 16. In contrast, in the case where*

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*the image data format is registered in the data format area 29b, the document data read out are directly expanded in the image memory 16).*

a communication unit operable to use the first information as terminal identification information to establish communication through network as registered device (see *fig. 1 fax and column 2, line 63-column 3, line 3, facsimile communication processing through a communication network, to at least one client connected to facsimile sever system via a LAN (local area network).*

Regarding claim 5, *Kikuchi discloses a communicating in a network, comprising:*

*registering a terminal device (see item 31b, fig.7 and item 63, fig.17, terminal device);*

*inputting from a printed medium a first graphic code corresponding to first information (see column 10, lines 27-39, the commanded data conversion unit 11 reads out the document data accumulated in the document data storage 30, by using the data address and data size registered in the respective areas 29c and 29d of the print document table 29. In the case where the text data format is registered in the data format area 29b, bitmap information corresponding to each character code or graphic code is extracted from the font memory 17 and is expanded at the predetermined position of the image memory 16. In contrast, in the case where the image data format is registered in the data format area 29b, the document data read out are directly expanded in the image memory 16).*

*; and*

using the first information as terminal identification information to establish communication through network as a registered device (*see fig.1 fax and column 2, line 63-column 3, line 3, facsimile communication processing through a communication network, to at least one client connected to facsimile sever system via a LAN (local area network) .*

4. *Claims 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Kohei (Japan Publication number 2000-285056).*

Regarding claim 9, *Kohei discloses a server, comprising: a storage unit operable to store operating instructions (see paragraph [0011] after making accumulate in the storage means in a communication terminal, it is made to total or a media code is made to transmit also about a media code at the time of access by the side code, and it is made to make it total) and*

*pieces of content, each of the operating instructions corresponding to one of a first series of graphic codes and each of the pieces of content corresponding to one of a second series of graphic codes (see paragraph [0028] and [0029] a medium recognition code, a media code, a site code and stop code are arranged in order of below.*

*Considers as the code corresponding to the identifier of each medium. For example, it considers as the code corresponding to the journal name by which the bar code was carried);*

*an input unit operable to input from a printed medium a selected one of the first series of graphic codes corresponding to one of the operating instructions and a selected one of the second series of graphic codes corresponding to one of the pieces*

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of content (*see paragraph [0028], considers as the code corresponding to the identifier of each medium. For example, it considers as the code corresponding to the journal name by which the bar code was carried. A site code is code which shows which site is accessed, and had URL coded in the case of the site of the internet*); and

an operating unit operable to execute the one of the operating instructions with respect to the one of the pieces of content (*see paragraph [0037] processing by the carrier side server 103 is explained with reference to the flow chart of drawing 7*).

Regarding claim 10, *Kohei discloses the server according to claim 9, wherein the input unit comprises a camera (see paragraph [0050], when using symbols other than a single dimension, solid state cameras, CCD series, may be used as a reading means of the symbol).*

Regarding claim 11, *Kohei discloses a method of processing content, comprising: establishing a series of operating instructions and a first series of graphic codes, each of the graphic codes in the first series of graphic codes corresponding to one of the operating instructions (see paragraph [0047] when access processing shown in this drawing 10 is performed, in the carrier side server 103, processing shown, for example in the flow chart of drawing 11 is performed. And when there is transmission of a site code irrespective of the existence of a media code, connection processing to the corresponding site is performed (step 54)).*

storing pieces of content and a second series of graphic codes, each of the graphic codes in the second series of graphic codes corresponding to one of the pieces

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of content (see paragraph [0064], a control means is reading the media code memorized by the storage means transmitting from means of communications).

selecting one of the operating instructions by inputting from a printed medium one of the first series of graphic codes corresponding to the selected operating instruction (see paragraph [0028] the bar code 303 here is considered as the data configuration shown in drawing 5. It is the code which shows from which medium the media code is accessed, considers as the code corresponding to identifier of each medium. For example, it considers as the code corresponding to the journal name by which site accessed).

selecting one of the pieces of content by inputting from a printed medium one of the second series of graphic codes corresponding to the selected piece of content (see paragraph [0028] the bar code 303 here is considered as the data configuration shown in drawing 5. It is the code which shows from which medium the media code is accessed, considers as the code corresponding to identifier of each medium. For example, it considers as the code corresponding to the journal name by which site accessed) and

processing the selected piece of content based on the selected operating instruction (see paragraph [0037] processing by the carrier server 103 is explained with reference to the flow chart of drawing 7).

Regarding claim 12, Kohei discloses the method of processing content according to claim 11, further comprising:

storing storage locations for each of the pieces of content and a third series of graphic codes, each of the graphic codes in the third series of graphic codes corresponding to one of the storage locations (*see paragraph [0064], a control means is reading the media code memorized by the storage means transmitting from means of communications*).

inputting from a printed medium one of the third series of graphic codes corresponding to the storage location of the selected piece of content; and retrieving the selected piece of content from the storage location (*see paragraph [0064], a control means is reading the media code memorized by the storage means transmitting from means of communications*).

Regarding claim 13, *Kohei discloses* a communication network, comprising:

a server operable to store data (*see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed*) and

a plurality of terminal devices operable to send data to the server and to receive data from the server, each of the terminal devices including an input unit operable to input from a printed medium a first graphic code corresponding to first information (*see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications sending-out processing of the*



*media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed), and*

a communication unit operable to use the first information as terminal identification information to establish communication with the server (*see paragraph [0065] it is having made it transmit also about the media code which read the control means to the site code and coincidence in invention which was indicated to claim 7 according to the communication of a site code, and the means read, transmission of a media code is also performed simultaneous at the time of transmission of a site code).*

Regarding claim 14, *Kohei discloses the communication network according to claim 13, wherein the server includes a storage unit operable to store operating instructions and pieces of content, each of the operating instructions corresponding to one of a first series of graphic codes and each of the pieces of content corresponding to one of a second series of graphic codes (see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed);*

an input unit operable to input from a printed medium a selected one of the first series of graphic codes corresponding to one of the operating instructions and a selected one of the second series of graphic codes corresponding to one of the pieces of content (*see paragraph [0050], solid state cameras, such as CCD series, may be used as a reading means of the symbol. When image-pick-up means is used, an image*

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*pick-up means can be made to use also read the image incorporation for the so-called TV phones, and of an access code); and*

*an operating unit operable to execute the one of the operating instructions with respect to the one of the pieces of content (see paragraph [0028] the bar code 303 here is considered as the data configuration shown in drawing 5. It is the code which shows from which medium the media code is accessed, considers as the code corresponding*

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*to identifier of each medium. For example, it considers as the code corresponding to the journal name by which site accessed).*

Regarding claim 15, *Kohei discloses* a method of downloading content from a storage unit to a terminal device, comprising:

storing in the storage unit terminal identification information for the terminal device *(see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed);*

storing in the storage unit pieces of content and a first series of graphic codes, each of the graphic codes in the first series of graphic codes corresponding to one of the pieces of content *(see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed);*

selecting one of the pieces of content at the terminal device by inputting from a printed medium one of the graphic codes in the first series of graphic codes corresponding to the selected piece of content *(see paragraph [0050], solid state cameras, such as CCD series, may be used as a reading means of the symbol. When image-pick-up means is used, an image pick-up means can be made to use also read the image incorporation for the so-called TV phones, and/of an access code);*

converting the one of the graphic codes in the first series of graphic codes into content information corresponding to the selected piece of content (*see paragraph [0020] about the voice data extracted in the data-processing section 14, a digital-analog converter 15 is supplied, it changes into an analog sound signal and sound emission of the changed sound signal is supplied and carried out to a loudspeaker 16*);

transmitting the content information and the terminal identification information from the terminal device to the storage unit (*see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed*);

retrieving the selected piece of content based on the content information; and transmitting the selected piece of content from the storage unit to the terminal device based on the terminal identification information (*see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed*).

Regarding claim 16, *Kohei discloses* the method of downloading content according to claim 15, further comprising:

establishing a series of operating instructions and a second series of graphic codes, each of the graphic codes in the second series of graphic codes corresponding

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to one of the operating instructions, the series of operating instructions including a download operating instruction;

selecting the download operating instruction at the terminal device by inputting from a printed medium one of the graphic codes in the second series of graphic codes corresponding to the download operating instruction (*see paragraph [0028] the bar code 303 here is considered as the data configuration shown in drawing 5. It is the code which shows from which medium the media code is accessed, considers as the code corresponding to identifier of each medium. For example, it considers as the code corresponding to the journal name by which site accessed*).

converting the one of the graphic codes in the second series of graphic codes into operating information corresponding to the download operating instruction (*see paragraph [0020] about the voice data extracted in the data-processing section 14, a digital-analog converter 15 is supplied, it changes into an analog sound signal, and sound emission of the changed sound signal is supplied and carried out to a loudspeaker 16*);

transmitting the operating information from the terminal device to the storage unit (*see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed*); and

transmitting the selected piece of content from the storage unit to the terminal

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device based on the terminal identification information and the operating information  
*(see paragraph [0064] a control means is reading the media code memorized by the storage means and transmitting from means of communications, sending-out processing of the media code accumulated based on the demand of the side which employs communication lines, such as communication center can be performed).*

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi as applied to claims 1 and 5, above in view of Kohei.

Kikuchi discloses register terminal device.

Kikuchi does not disclose wherein the input unit is operable to input from a printed medium a second graphic code corresponding to second information associated with the first information, and the communication unit includes an acquiring unit operable to acquire the second information based on the second graphic code.

However, Kohei discloses Regarding claim 2, the terminal device according to claim 1 ,wherein the input unit is operable to input from a printed medium a second graphic code corresponding to second information associated with the first information, and the communication unit includes an acquiring unit operable to acquire the second

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information based on the second graphic code (*see paragraph [0028] and [0029] a medium recognition code, a media code, a site code and stop code are arranged in order of below. Considers as the code corresponding to the identifier of each medium. For example, it considers as the code corresponding to the journal name by which the bar code was carried*).

It would have been obvious to ordinary skill in the art at the time when invention was made to use Kohei's wherein the input unit is operable to input from a printed medium a second graphic code corresponding to second information associated with the first information, and the communication unit includes an acquiring unit operable to acquire the second information based on the second graphic code in Kikuchi's register terminal device because it will allow to detect the site code and media code of an access code with the detection means with which is made to contain a site code and a media code in the access code carried by media, such as advertising media, in the predetermined code, and a communication terminal equips it, [Kohei, see paragraph [0009].

Regarding claim 3, *Kohei discloses* the terminal device according to claim 2, wherein at least one of the first graphic code and the second graphic code is information encoded in accordance with predetermined image patterns (*see paragraph [0011] a media code are contained in the access code carried by the medium in the predetermined mode and the access code is detected by the predetermined communication terminal, while performing processing which accesses the side code which was connected to the predetermined server*).

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Regarding claim 4, *Kohei discloses* he terminal device according to claim 1, wherein the input unit comprises a camera (*paragraph [0050], when using symbols other than a single dimension, solid state cameras, such as CCD series, may be used as reading means of the symbol*).

Regarding claim 6, *Kohei discloses* the communication method according to Claim 5, further comprising:

inputting from a printed medium a second graphic code corresponding to second information associated with the first information (*see paragraph [0028] and [0029] a medium recognition code, a media code, a site code and stop code are arranged in order of below. Considers as the code corresponding to the identifier of each medium. For example, it considers as the code corresponding to the journal name by which the bar code was carried*); and

acquiring the second information based on the second graphic code (*see paragraph [0028] and [0029] a medium recognition code, a media code, a site code and stop code are arranged in order of below. Considers as the code corresponding to the identifier of each medium. For example, it considers as the code corresponding to the journal name by which the bar code was carried*).

Regarding claim 7, *Kohei discloses* the communication method according to Claim 6, wherein at least one of the first graphic code and the second graphic code is information encoded in accordance with predetermined image patterns (*see paragraph [0050] for example, it is good also as an access code coded with various pattern other*



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*than a bar code. That is a single dimension symbols other than a bar code, a 2-dimensional symbol, and other geometric symbols may be used).*

Regarding claim 8, *Kohei discloses the communication method according to claim 5, wherein the inputting step includes obtaining an image of the first graphic code using a camera (see paragraph [0050], solid state cameras, such as CCD series, may be used as a reading means of the symbol. When image-pick-up means is used, an image so-called TV phones, and of an access code).*

### ***Response to Arguments***

7. Applicant's arguments filed on 07/10/2008 have been respectfully considered, but they are not persuasive. Examiner disagreed with applicant arguments with claims 13 and 15 because Kohei discloses input of graphic code from a printed medium, where the graphic code corresponds to information identifying the terminal device and thus enabling connection of the terminal device to the network (*see abstract, a site code and a medium code are included in an access code 201 printed medium 200 displaying advertisement and paragraph [0050], solid state cameras, such as CCD series, may be used as a reading means of the symbol. When image-pick-up means is used, an image pick-up means can be made to use also read the image incorporation for the so-called TV phones, and/of an access code*).

*The claim limitations in claims 1 and 5 are rejected under new ground of rejection. Therefore, the arguments are mot.*

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKLILU k. WOLDEMARIAM whose telephone number is (571)270-3247. The examiner can normally be reached on Monday-Thursday 6:30 a.m-5:00 p.m EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samir Ahmed can be reached on 571-272-7413. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samir Ahmed,  
Examiner  
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/A. k. W./  
Examiner, Art Unit 2624  
11/08/2008

/Samir A. Ahmed/  
Supervisory Patent Examiner, Art Unit 2624